

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

<p>In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i>  Debtors.<sup>1</sup></p>	<p>PROMESA Title III  Case No. 17 BK 3283-LTS (Jointly Administered)</p>
<p>In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  PUERTO RICO ELECTRIC POWER AUTHORITY,  Debtor.</p>	<p>PROMESA Title III  Case No. 17 BK 4780-LTS Re: ECF Nos. 814 (Case No. 17-4780), 2980 (Case No. 17-3283)</p>
<p>WIDERANGE CORPORATION,  Movant,  -against-  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  PUERTO RICO ELECTRIC POWER AUTHORITY,  Respondent.</p>	<p><b>This Joint Motion Relates Only to PREPA and Shall Only be Filed in Case Nos. 17 BK 3283-LTS and 17 BK 4780-LTS</b></p>

<sup>1</sup> The Debtors in the jointly-administered Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

**JOINT MOTION IN COMPLIANCE WITH ORDER RELATED TO  
WIDERANGE CORPORATION'S MOTION FOR RELIEF OF STAY**

To the Honorable United States District Court Judge Laura Taylor Swain:

On behalf of the Puerto Rico Electric Power Authority (“PREPA”), the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, and Movant, Widerange Corporation (“WR”), respectfully submit this Joint Motion in Compliance with Order (the “Motion”). In support of the Motion, the parties respectfully state as follows:<sup>2</sup>

1. On July 16, 2018, this Court entered an order granting WR’s unopposed request for an extension of time to file a joint report and extended the deadline to July 25, 2018. [Dkt. No. 3525.] The joint report pertains to this Court’s order entered on May 1, 2018 (the “Initial Order”) concerning the parties’ efforts to address “[m]ovant’s expressed concerns regarding the potential impact on its commercial prospects of the unresolved controversy as to whether there was a factual basis for the delay penalties, the Court encourages the parties to meet and confer promptly to seek to develop a mutually acceptable statement regarding the nature and pendency of the stayed litigation that can be used in connection with reference inquiries as Movant bids for business. The parties must file a joint status report concerning their efforts by June 4, 2018.” [Dkt. No. 2980 at 6.]

2. In compliance with the Initial Order, on July 25, 2018, the parties informed the Court of the efforts made by both parties to reach an agreement as related to the nature and pendency of the stayed litigation and WR’s concerns regarding the potential impact of the pending litigation in relation to its commercial prospects with PREPA. [Dkt. No. 3697]

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<sup>2</sup> The Financial Oversight and Management Board for Puerto Rico, as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to join in this Motion on behalf of PREPA.

3. The parties have informed the Court on various occasions that they have been in the process of discussing possible alternatives to adequately address the Court's order. [Dkt. Nos. 3812, 3896, 4023, 4083, 4275, 4432, 4799, 5148, 6252, 7488].

4. The parties hereby inform the Court that they have reached an agreement in principle regarding the use of the contested penalty at issue as an adverse performance history by WR. The parties have agreed that, during the duration of the automatic stay and/or while their controversies remain unadjudicated, PREPA will not use the events related to the contested penalty at issue in *Wide Range Corporation v. Autoridad de Energía Eléctrica*, Civil Case No. KAC2016-1247, before the Court of First Instance of Puerto Rico, San Juan, as an adverse performance history for other projects in which WR may bid.

5. The parties continue to work on definitive documentation of this agreement in principle and will file a joint motion on the status of such documentation and their respective positions on any pending issue by December 20, 2019.

**RESPECTFULLY SUBMITTED.**

**I HEREBY CERTIFY** that on this date, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

In San Juan, Puerto Rico, this 15th day of October, 2019.

**THE PUERTO RICO ELECTRIC  
POWER AUTHORITY**

By its attorneys,

/s/ Arturo Díaz Anguera  
USDC No. 117907

/s/ Katiuska Bolaños Lugo  
USDC No. 231812  
Díaz & Vázquez Law Firm, P.S.C.  
290 Jesús T. Piñero Ave.  
Scotiabank Tower, Suite 11-E  
San Juan, PR 00918  
Phone: (787) 299-0222  
Email: adiaz@diazvaz.law  
kbolanos@diazvaz.law

**MOVANTS Widerange Corporation**

**S/ Alexis A. Betancourt Vincenty**

Alexis A. Betancourt Vincenty  
USDC-PR No. 301304

Lugo Mender Group, LLC  
100 Carr. 165 Suite 501  
Guaynabo, P.R. 00968-8052  
Tel. (787) 707-0404  
Fax (787) 707-0412  
a\_betancourt@lugomender.com

**THE PUERTO RICO FISCAL  
AGENCY AND FINANCIAL  
ADVISORY AUTHORITY, as Fiscal  
Agent for PREPA**

By its attorneys,

/s/ Diana M. Perez

Nancy N. Mitchell (*admitted pro hac vice*) Diana M. Perez (*admitted pro hac vice*) O'Melveny & Myers LLP  
7 Times Square  
New York, NY 10036  
Phone: (212) 326-2000  
Fax: (212) 326-2061  
Email: nmitchell@omm.com  
dperez@omm.com

By: Luis C. Marini Biaggi

Luis C. Marini-Biaggi  
USDC No. 222301  
Carolina Velaz-Rivero  
USDC No. 300913  
**MARINI PIETRANTONI MUÑIZ LLC**  
MCS Plaza, Suite 500  
255 Ponce de León Ave.  
San Juan, Puerto Rico 00917  
Tel.: (787) 705-2171  
Fax: (787) 936-7494

*Attorneys for the Puerto Rico Fiscal Agency  
and Financial Advisor Authority*